

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:09-CV-114-D

CECIL LOUIS HIGGINBOTHAM,)
)
Plaintiff,)
)
v.)
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

Pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. §405(g), and upon consideration of the Commissioner's unopposed motion to remand this action for further administrative proceedings [D.E. 16], the court hereby REVERSES the Commissioner's decision under sentence four of 42 U.S.C. §405(g), and REMANDS the action to the Commissioner for further administrative proceedings with respect to plaintiff's claim of disability. See Shalala v. Schaefer, 509 U.S. 292, 296–97 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97–98 (1991). Plaintiff's motion for judgment on the pleadings [D.E. 12] is DENIED as moot.

SO ORDERED. This 7 day of June 2010.


JAMES C. DEVER III
United States District Judge